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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/728,864
Filing Date: December 08, 2003
Appellant(s): GEORGE ET AL.

George et al.
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 07/29/2008 appealing from the Office action mailed 05/09/2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

No evidence is relied upon by the examiner in the rejection of the claims under appeal.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Jawahar et al. (Jawahar) (US Patent # 6,298,356).

Regarding claim 1, Jawahar discloses a method of enhancing a dialog with a web server, (see abstract; method and apparatus, col. 3, lines 52-54; monitoring an individual's access to information contained in a web server) said method comprising: determining a dialog state by comprehensively capturing a dialog with said web server (see col. 3, lines 59-67).

Regarding claim 2, Jawahar discloses the method of claim 1, further comprising: modifying said dialog, as based on said determining said state (see col. 8, lines 20-25).

Regarding claim 3, Jawahar discloses the method of claim 1, said determining a dialog state further comprising: analyzing a content of said dialog (see col. 8, lines 14-20).

Regarding claim 4, Jawahar discloses the method of claim 3, said determining a dialog

state further comprising: analyzing a context of said content (see col. 8, lines 20-25).

Regarding claim 5, Jawahar discloses the method of claim 4, wherein said context analyzing optionally comprises natural language processing (see col. 8, lines 8-15, 20-25).

Regarding claim 6, Jawahar discloses the method of claim 1, wherein said comprehensively capturing said dialog comprises: causing an inbound request from said browser to be directed to an intermediary (see col.4, lines 10-16); and causing an outbound response bound for said browser to be first directed to said intermediary (see col. 4, lines 10-16).

Regarding claim 7, Jawahar discloses the method of claim 6, wherein said causing said inbound request and said outbound response to be directed to said intermediary further causes a plurality of inbound requests and a plurality of outbound responses to be directed to said intermediary (see col. 4, lines 10-16).

Regarding claim 8, Jawahar discloses the method of claim 1, further comprising: modifying a content of said dialog (see col. 8, lines 14-20).

Regarding claim 9, Jawahar discloses the method of claim 8, wherein said modifying comprises at least one of: modifying an existing element from one of an inbound

request and an outbound response (see col. 4, lines 10-16, col. 13, lines 35-40); removing an element from said outbound response, wherein an action at said browser allows said element to be re-instated (see col. 4, lines 10-16, col. 13, lines 48-53); removing an element from said outbound response, wherein said removed element cannot be re-instated by any action at said browser (see col. 16, lines 16-22); replacing a first element from one of said inbound request and said outbound response by a second element (see col. 6, lines 5-12); and adding a new element to one of said inbound request and said outbound response (see col. 8, lines 20-25).

Regarding claim 10, Jawahar discloses the method of claim 9, wherein said modification comprises inserting a uniform resource locator (URL) to allow one of (see col. 11, lines 62-67, col. 12, lines 1-3):

said user to select a second, non-related web server; an inbound request for said user to be sent to a new target web server; an inbound request from said user to be directed to said web site and a response thereof to be sent to said intermediary (see col. 10 lines 60-67, col. 11, lines 1-3); an outbound response from said web site to be directed to said user; and an outbound response from one of said second non-related web server and said new target web server to be directed to said intermediary (see col. 4, lines 10-16, col. 10, 60-67).

Regarding claim 11, the limitations of this claim has already been addressed (see claim 10 above).

Regarding claim 12, Jawahar discloses the method of claim 2, wherein said modifying performs at least one of: improving an efficiency of said web site; censoring information to said user; providing a warning to said user; asking said user to explain at least one of an action and a mental state (see col. 13, lines 29-35); providing additional information; providing additional information that can be selected by said user; indicating a second, non-related web site to be selectable by said user; and providing additional information to attempt to influence a decision by said user (see col. 13, lines 35-43).

Regarding claim 13, Jawahar discloses the method of claim 1, wherein said dialog continues to be captured when a user selects another web site (see col. 9, lines 36-11).

Regarding claim 14, the limitations of this claim has already been addressed except it is an apparatus (see claim 1 above, reference teaches both method and apparatus; see abstract).

Regarding claim 15, the limitations of this claim has already been addressed (see claims 3 and 4 above).

Regarding claim 16, the limitations of this claim has already been addressed (see claim

2 above).

Regarding claim 17, the limitations of this claim has already been addressed (see claim 2 above).

Regarding claim 18, the limitations of this claim has already been addressed (see claim 13 above).

Regarding claim 19, Jawahar discloses a signal-bearing medium tangibly embodying a program of machine-readable instructions executable by a digital processing (see col. 24, lines 16-20; computer readable medium) apparatus to perform a method of enhancing a dialog with a web server (see col. 3, lines 52-54; monitoring an individual's access to information contained in a web server), said method comprising: comprehensively capturing a dialog between said web server and a browser (see col. 3, lines 59-67).

Regarding claim 20, the limitations of this claim has already been addressed (see claims 3 and 4 above).

Regarding claim 21, the limitations of this claim has already been addressed (see claim 2 above).

Regarding claim 22, the limitations of this claim has already been addressed (see claim

2 above).

Regarding claim 23, the limitations of this claim has already been addressed (see claim 4 above).

Regarding claim 24, Jawahar discloses a method of providing a service, said method comprising at least one of:

operating an intermediary web service to comprehensively capture a dialog with a web site (see col. 3, lines 52-54), wherein said dialog is captured when an initial access request from a browser is received by said web site and a subsequent dialog between said web site and said browser is directed through said intermediary web service (see col. 3, lines 59-67, col. 8, lines 8-20);

operating a web site that requests said intermediary web service to capture said dialog (see col. 3, lines 52-54); analyzing information in said dialog; modifying a content of said dialog; designing a computer program module to be incorporated in said intermediary web service for said dialog capturing (see col. 24, lines 16-20); designing a computer program module to be used in said analyzing; and designing a computer program module to be used in said modifying content of said dialog (see col. 8, lines 14-20, lines 20-25).

Regarding claim 25, the limitations of this claim has already been addressed (see claim 6 and 7 above).

Regarding claim 26, the limitations of this claim has already been addressed (see claims 2).

Regarding claim 27, Jawahar discloses a method of providing a service, said method comprising at least one of: operating a web server so that, upon receiving an initial access request to said web server, a subsequent dialog associated with said initial access is directed through an intermediary established to capture said dialog (see col. 3, lines 59-67, col. 8, lines 8-20); operating a web server in the manner of said intermediary; at least one of developing, producing, selling, transmitting via said web server, and receiving, via a network, a set of machine-readable instructions executable by a digital processing apparatus to perform a method of capturing a dialog on said network using said intermediary (see col. 4, lines 54-60, col. 5, lines 46-60); at least one of developing, producing, selling, transmitting via said network, and receiving via said network a set of machine-readable instructions executable by a digital processing apparatus to perform a method of at least one of filtering and modifying a dialog being processed through said intermediary (see col. 8, lines 20-25); at least one of receiving, displaying, storing, analyzing, and receiving an analysis of a dialog captured using said intermediary (see col. 8, lines 14-20); at least one of developing, producing, selling, transmitting via said network, receiving

via said network, and executing a set of machine-readable instructions executable by a digital processing apparatus to at least one of receive, display, store, and analyze a dialog captured using said intermediary (see col. 8, lines 14-20).

Regarding claim 28, Jawahar discloses the method of claim 27, wherein said capturing a dialog provides a method for at least one of: evaluating a website comprising said web server; improving an efficiency of said website; determining a state of said user; influencing at least one of an action and a selection made by said user; and conducting an interview with said user (see col. 8, lines 20-25).

Regarding claim 29, Jawahar discloses a method for deploying computing infrastructure, comprising integrating computer-readable code into a computing system, wherein the code in combination with the computing system is capable of performing the method of claim 1 (see col. 24, lines 16-20; computer readable medium).

Regarding claim 30, Jawahar discloses a method of enhancing a dialog with a web server, said method comprising: comprehensively capturing a dialog with said web server (see abstract; method and apparatus, col. 3, lines 52-54; monitoring an individual's access to information contained in a web server) by: setting up an intermediary when a user contacts said web server (see figure 1, see col.4, lines 10-16); modifying URLs sent by said user so as to route requests of said user to said intermediary (see figure 5, col. 11, lines 62-67, col. 12, lines 1-3); and modifying URLs

sent by said web server so as to route to said intermediary the responses of said web server to said requests, said intermediary thereby capturing all requests and responses of said dialog (see figure 4, col. 10 lines 60-67, col. 11, lines 1-3).

(10) Response to Argument

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 09/22/2008 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Appellant's arguments toward 35 U.S.C § 101:

Appellant's arguments toward the 35 U.S.C § 101 rejection has been fully considered and are persuasive. The 35 U.S.C § 101 rejection to claims 14-23 has been withdrawn.

Appellant's arguments toward 35 U.S.C § 102 (b):

- A. Regarding to claim1, applicant argues that Jawahar does not teach or suggest "...determining a dialog state by comprehensively capturing a dialog with said web server" and Jawar does not have capability of comprehensively capturing the whole dialog", as claimed.
- B. Regarding to claims 3-5 and 6-7, applicant argues that Jawahar fails to teach or suggest the plain meaning of the claims language of these claims and claims 25-26 Jawahar fails to reasonably teach or suggest using a method

having the means described in the present application or any reasonable equivalent.

- C. Regarding claims 11, 13, and 18, appellant argues that there is no suggestion in Jawahar that the user's dialog with the original server would be continued if the user moved to another unrelated server. Appellant arguments same point with regards to claims 25 and 26, written in means-plus function format.

As for Point A, it is the Examiner's position that Jawahar does teach or suggest wherein said determining a dialog state by comprehensively capturing a dialog with said web server and capability of comprehensively capturing the whole dialog (see abstract, col. 3, lines 52-67; a system in which an agent or other representative is able to communicated with a customer or other individual or system). Thus it is Examiners position that the claim elements are taught or suggest by Jawahar. Therefore 35 U.S.C 102 (b) rejection is proper.

As for Point B, it is the Examiner's position that Jawahar teaches or suggests the claims 3-5 and 6-7 and 25-26 for the given reason above (see claims rejection). Thus it is Examiners position that 35 U.S.C 102 (b) rejection is proper.

As for Point C, it is the Examiner's position that Jawahar teaches or suggests the claims 11, 13, and 18 and 25-26 for the given reason above (see claims rejection). Thus it is Examiners position that 35 U.S.C 102 (b) rejection is proper.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/U. C./

Examiner, Art Unit 2444

/William C. Vaughn, Jr./

Supervisory Patent Examiner, Art Unit 2444

Conferees:

/William C. Vaughn, Jr./

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